

#### **REMARKS**

Claims 1-8 are pending in the application. Claims 9-45 have been withdrawn as being directed to non elected subject matter.

Claim 1 has been amended to emphasize that the claimed fatty acid ratios are provided by the combination of total lipids in the lipid system. Support for this amendment can be found in Applicants' specification at p. 9, lines 6-20.

Claims 2-8 have been amended to depend from claim 1, support for which can be found in Applicants' specification at p. 33, claims 2-8.

Claim 8 has been amended to clarify that the lipid system comprises from about 30 to about 90% flaxseed oil, and at least one of high oleic safflower oil and corn oil, by weight of the lipid system. Support for this amendment can be found in Applicants' specification at p. 9, lines 4-5.

#### **Invention Synopsis**

The claimed embodiment are directed to a lipid system comprising alpha-linolenic acid (C18:3n-3), omega-6 fatty acids, and omega-9 fatty acids, wherein the ratio of the omega-6 fatty acids to alpha-linolenic acid (C18:3n-3) is from about 0.25:1 to about 3:1, and the ratio of the omega-9 fatty acids to alpha-linolenic acid (C18:3n-3) is from about 0.4:1 to about 3:1, wherein the fatty acid ratios are provided by the combination of total lipids in the lipid system.

It has been found that the lipid system provides optimized ratios of essential and non-essential fatty acids that can improve the glucose tolerance of a glucose intolerant individual, improve the insulin sensitivity of an insulin resistant individual, and reduce the risk of vascular disease in a individual at risk for vascular disease.

#### **Examiner Interview**

Applicants' undersigned attorney gratefully acknowledges the telephonic interview granted by Examiner Carr on February 22, 2007, during which the pending prior art rejections and cited reference were discussed. Sandra Weida and William Winter (Attorneys for the Applicants) and Vikkie Mustad and Stephen Demichelle (Inventors) participated in the interview. The substance of the interview is embodied in the following remarks.

#### **Rejections under 35 USC 112**

Claims 1-8 have been rejected under 35 USC 112, second paragraph, as being indefinite for having claims 2-8 depend from a non-existent claim 0. Responsive to

this rejection, claims 2-8 have now been amended to depend from claim 1.

Claim 8 has also been rejected under 35 USC 112, first paragraph, for lack of enabling disclosure in the specification. The Examiner contends that claim 8 recites corn oil and high oleic safflower oil as optional ingredients, whereas the specification only supports compositions that actually contain both oils. Responsive to this rejection, Claim 8 has been amended to clarify that the lipid system comprises from about 30 to about 90% flaxseed oil, and at least one of high oleic safflower oil and corn oil, by weight of the lipid system.

Applicants respectfully submit that claims 1-8, as amended, are now in full compliance with the requirements of 35 USC 112, first and second paragraphs. Applicants therefore respectfully request withdrawal of these rejections.

#### **Rejection under 35 USC 102**

Claims 1-7 have been rejected under 35 USC 102(b) as anticipated by U.S. Patent Publication 2004/0062847 (Koike). The Examiner contends that this particular reference, specifically Table 1, Invention product #3, discloses the relative amounts of fatty acids as recited in the present claims. Applicants respectfully traverse this rejection as it would apply to the amended claims.

Applicants submit that Koike fails to disclose the total fatty acid ratios of claims 1-8 since the claimed ratios are provided by the total lipid system, whereas the fatty acid profiles disclosed by Koike are provided by only the monoglyceride component of an oil/fat composition.

The Koike reference discloses oil/fat compositions comprising 0.1-49.9% diglycerides and 5-99.9% monoglycerides (Koike, Abstract). Koike specifically discloses in Table 1, Invention product #3, an oil/fat composition comprising 3.8% triglycerides, 32% diglycerides, and 64.2% monoglycerides, wherein the "MG-constituting fatty acids" include C18:3 n-3 (40.5%), C18:1n-9 (34.3%), C18:2 n-6 (14.0%), C16:0 (7.7%), and C18:0 (3.0%). Koike emphasizes, however, that the

fatty acid profiles of Table 1 are provided by the monoglyceride component of the oil/fat composition:

"In Table 1, the oil/fat compositions thus prepared and analytical results of *fatty acids constituting a monoglyceride are shown*" (emphasis added) (Koike, p. 4, par. 0052).

Applicants have now amended claim 1 to further emphasize the above distinction over Koike, that the fatty acid ratios of the claims 1-7 are provided by the entire lipid system.

In view of the foregoing remarks, Applicants respectfully request withdrawal of this rejection as it would apply to the amended claims.

### Conclusion

Applicants respectfully request reconsideration of this application and allowance of claims 1-8.

Respectfully submitted,

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